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Attorneys for
RICOH COMPANY, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICOH COMPANY, LTD.,)	CASE NO. C-03-4669-MJJ (EMC)
)	
Plaintiff,)	RICOH'S RESPONSE TO DEFENDANTS'
)	MOTION FOR SUMMARY JUDGMENT OF
vs.)	NONWILLFULNESS (MOTION NO. 9)
)	
AEROFLEX INCORPORATED, et al.,)	Date: September 26, 2006
)	Time: 9:30 a.m.
)	Courtroom: 11, 19th Floor
Defendants)	Judge: Martin J. Jenkins

This motion is a waste of the Court's time and resources. Now that fact and expert discovery has closed and the totality of the discovery received evaluated, Ricoh has decided not to seek enhanced damages. As a result, willfulness or nonwillfulness is not relevant. Accordingly, Ricoh withdraws the allegation of willfulness.

Had the defendants raised this matter during any of the recent meet and confers, made a

1 telephone call, or even written a letter or email, they would have known willfulness was being
2 withdrawn. Unfortunately, they chose instead to burden the Court with a motion for summary judgment.

3 The motion for summary judgment of nonwillfulness is moot and should be denied.
4

5 Dated: September 1, 2006

RICOH COMPANY, LTD.

6 By: /s/ Gary M. Hoffman

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